

SUBJECT: Texas House of Representatives redistricting

COMMITTEE: Redistricting — committee substitute recommended

VOTE: 8 ayes — Hunter, Goldman, Jetton, Landgraf, Morrison, Murr, Schofield, White

6 nays — Rose, Anchia, Minjarez, Moody, S. Thompson, C. Turner

1 absent — Guillen

WITNESSES: For — Matt Mackowiak, Travis County GOP; Cheryl Desforges; Shawn Flanagan; Georgia Neblett; Larry Ringler; (*Registered, but did not testify*: Ric Young, Aransas County Republican Party)

Against — Jessica Weldon, Battleground Texas; Bobby Warren and Drew Wasson, City of Jersey Village; Dave Jones, Clean Elections Texas; Amye Thompson Hollins, Delta Sigma Theta Sorority Incorporated; Isabel Salcido, El Paso City Council; Dora Oaxaca, El Paso County Democratic Party; Amatullah Contractor, Niloufar Hafizi, and Anusheh Siddique, Emgage Action; Amber Mills, MOVE Texas Action Fund; Jeremy Coleman, NAACP Corpus Christi; Megan Sham, Deborah Chen, and Christina Fu, OCA-Greater Houston; Valerie Street, Our Vote Texas; Angela Garza, People of Color; Robert Williams, Push Democracy Forward; Sandra Weinstein, Stand Up Republic-Texas; Nicolette Ardiente, Texas AAPI Redistricting Coalition; Nina Perales, Texas Latino Redistricting Task Force; Cindy Ramos-Davidson, The El Paso Hispanic Chamber; Fran Rhodes and Sheena Rodriguez, True Texas Project; Diana Ramirez, Workers Defense; and 46 individuals (*Registered, but did not testify*: Maggie Stern, Children's Defense Fund-Texas; Katie Fruge, Christian Life Commission, Texas Baptists; Guadalupe Cuellar, City of El Paso; Katya Ehresman and Steph Gomez, Common Cause Texas; Grover Weaver, Grover Weaver Ministries; Emma Acosta, League of Women Voters El Paso; Stephanie Swanson, League of Women Voters of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Angela Villescaz, LULAC; Alphonse Castillo, LULAC Council #60; Heather Buen, Tarrant County

Tejano Democrats; Jerry Vattamala, The Asian American Legal Defense and Education Fund; Ashley Cheng, TX AAPI Redistricting Coalition; Fernando Florez, United Hispanic Council of Tarrant County; Marcia Strickler, Wilco We The People; Ana Gonzalez, Workers Defense Action Fund; and 30 individuals)

On — Thomas Muir, Mayor, City of Sanger; Gary Toothaker;
(*Registered, but did not testify*: Nicole Bender; Melissa Lum; Thomas Parkinson)

BACKGROUND: Under U.S. Const. Art. 1, sec. 2, an actual enumeration of the populations of each state is required every 10 years. This enumeration is carried out by the U.S. Census Bureau, which published results of the most recent census on August 12, 2021, after COVID-19-related delays changed its original plan to deliver redistricting data to the states by March 31.

Texas has a total resident population of 29,145,505 as of April 1, according to the results of the 2020 census. This is an increase of 3,999,944, or 15.9 percent, since the 2010 census. Dividing the resident population of the state by the 150 Texas House districts results in an ideal House district of 194,303 individuals.

Texas Const. Art. 3, sec. 26 specifies that the members of the Texas House of Representatives are to be apportioned among the counties by dividing the total population of the state, as determined by the most recent national census, by the number of members of the House.

In addition to federal standards for redistricting established in statute and constitutional case law, certain provisions of the Texas Constitution apply specifically to the apportionment of state House of Representatives districts. Under Art. 3, sec. 26:

- a county with sufficient population to be entitled to a representative must be formed into a separate representative district;
- when two or more counties are required to reach the population threshold for a district, these counties must be contiguous; and

- when a county has more than sufficient population to be entitled to one or more representatives, such representative or representatives must be apportioned to the county, and for any surplus of population the county may be joined in a district with any other contiguous county or counties.

Election dates following redistricting. Under SB 13 by Huffman, enacted in the second called session of the 87th Legislature and effective December 2, 2021, Election Code sec. 41.0075 establishes dates for the candidate-filing period, general primary election, and primary runoff election for the 2022 election cycle contingent on the dates that applicable redistricting plans become law. Under SB 13, a redistricting plan will be deemed as "becoming law" on the earlier of the date that the governor signs an Act of the 87th Legislature relating to the composition of the State Board of Education, state legislative, or federal congressional districts or the date that the act becomes law without the governor's signature.

DIGEST:

CSHB 1 would adopt districts for members of the Texas House of Representatives as described by PLANH2176 on the redistricting computer system operated by the Texas Legislative Council. The district plan would apply beginning with the primary and general elections for House seats in 2022.

The bill would state legislative intent that if any county, tract, block group, block, or other geographic area was erroneously omitted, a court reviewing the bill should include that area in the appropriate district in accordance with the Legislature's intent. The bill would supersede all previous enactments or orders and repeal all previous acts of the Legislature adopting districts for the Texas House.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect on the 91st day after the last day of the legislative session.